

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RONEY J. MATIJECA

Appeal No. 2001-0826
Application 09/064,486

ORDER REMANDING TO EXAMINER

On January 18, 2000, applicant filed an Appeal Brief (Paper No. 10), which contained no Appendix. Page 2 of the Examiner's Answer (Paper No. 11, mailed May 23, 2000) states:

The Brief contains no Appendix which presents the claims & one is required.

Applicant's Reply Brief (Paper No. 12, filed July 20, 2000 indicated the following:

Enclosed please find three copies of the claims subject to this appeal.

A physical examination of the official record indicates that there are **no** copies of the claims 1 to 24 in an Appendix attached

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to the Rely Brief (Paper No. 12). The Appeal Brief (Paper No. 10, filed January 18, 2000) is not in compliance with 37 CFR § 1.192(c)(9) which requires:

(9) *Appendix*. An appendix containing a copy of the claims involved in the appeal.

(d) If a brief is filed which does not comply with all of the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a period of one month within which to file an amended brief. If appellant does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

Compliance with 37 CFR § 1.192(c)(9) is required.

Applicant filed an Extension of Time (Paper No. 8) and a Notice of Appeal (Paper No. 9) concurrently on December 27, 1999, which requested that required fees be charged to Deposit Account 04-1512. On February 2, 2000, the Extension of Time (Paper No. 8) fees were charged in the amount of \$110. To date, however, the \$300 Notice of Appeal (Paper No. 9) fee required and requested by applicant has not been charged. Corrective action by the examiner is required for compliance of 37 CFR § 1.17(b) (2000).

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Accordingly, it is

ORDERED that the application is remanded to the examiner for resolution of the following issues:

- notification of an Order of Compliance with 37 CFR § 1.192(c)(2)(9) to applicant for an Appendix of the Appeal Brief (Paper No. 10), which contains claims 1 to 24;
- charge of the \$300 required Notice of Appeal fee (Paper No. 9) to Account No. 04-1512; and
- for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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